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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/614,584	07/12/2000	Satoru Okada	018987-029	2307

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EXAMINER

DANG, DUY M

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 11/28/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/614,584

Applicant(s)

OKADA, SATORU

Examiner

Duy M Dang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/1/03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,7,8 and 11-14 is/are rejected.
- 7) ☒ Claim(s) 2-6,9,10 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the features of “amendment indication input receiving unit” recited in claim 6.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 7-8, and 11-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Koba (US Patent No. 6,222,947).

Regarding claim 1, Koba teaches an image combining and outputting apparatus that combines a plurality of original images and outputs a combined image (i.e., the “image editing apparatus” generally shown in figures 1-2 and mentioned in col. 1 lines 5-13) , comprising:

a balance adjusting unit for adjusting balance between a plurality of original images that are to be combined [see step S104 (determine layout size of each image) of figure 2. Note that this step S104 does inherently include the functions of magnifying/reducing the image size in order for the image to be fit within a page according to col. 3 lines 55-60 in together with col. 4

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line 66 to col. 5 line 2. This interpretation is consistent with Applicant's disclosure mentioned in page 15 lines 4-7]; and

an image combining unit for combining the plurality of original images after the balance has been adjusted by the balance adjusting unit (see col. 1 lines 5-14. Note that the image editing apparatus for combining images and virtual sheet and outputting a resultant sheet image shown in figure 5F),

the balance adjusting unit including:

an attribute information obtaining unit for obtaining attribute information (i.e., the "background image" including a photographic data information mentioned in col. 4 lines 34-44 corresponds to the so called "attribute information". This interpretation is consistent with Applicant's disclosure mentioned in page 12 lines 13-23 and figure 3) that has been added to the image data for a fixed image (i.e., "background included in the template" mentioned in col. 4 lines 34-35 in together with col. 3 lines 27-31. Note that the "template" refers to fixed image), the fixed image being an original image (i.e., the "template" stored in external 6 according to col. 4 lines 28-34 in together with col. 3 lines 27-31), out of the plurality of original image (see "templates of different patterns" mentioned in col. 4 line 30), whose size is not to be adjusted by the balance adjusting unit [i.e., the template representing a layout pattern that corresponds to the page/sheet including a number of images to be laid according to col. 4 lines 29-34 and figures 5E (the template denoted as "page 5" and "page 6") and 5F (the resultant sheet image)];

a size information obtaining unit for obtaining size information showing an original size of at least one adjustable image [see step S104 (determine layout size of each image) of figure 2 and col. 3 line 66 to col. 4 line 2. Note the "image" mentioned in this cited portion of the

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reference refers to the so called “adjustable image” because such “image” can be inherently magnified or reduced in order to be laid within a page according to col. 3 lines 55-60 in together with col. 4 line 66 to col. 4 line 2], an adjustable image being an original image in the plurality of original images [Note the “image” discussed above is an image of a plurality original images input by input device 1 of figure 1 (or step S101 of figure 2) according to col. 3 lines 27-31 and 45-55] the whose size is to be adjusted by the balance adjusting unit [see step S104 (determine layout size of each image) of figure 2 and col. 3 line 66 to col. 4 line 2. Note the “layout size of each image” mentioned in this cited portion is inherently magnified or reduced in order to be laid within a page according to col. 3 lines 55-60 in together with col. 4 line 66 to col. 4 line 2]; and

a size adjusting unit for adjusting the size of at least one adjustable image, based on the attribute information obtained by the attribute information obtaining unit and the size information obtained by the size information obtaining unit (see col. 6 lines 59 to col. 7 line 3 in combination with figure 5C: this cited port refer to that the image size is changed to reduce the excessive blank space which is a background).

With regard to claim 7, Koba further teaches wherein the plurality of original images to be combined (i.e., the template representing a layout pattern that corresponds to the page/sheet including a number of images to be laid according to col. 4 lines 29-34) consist of a background image whose size is not to be adjusted (see “background” mentioned in col. 4 lines 34-45) and an input image whose size is changed as necessary in accordance with the background image (see col. 6 lines 59 to col. 7 line 3 in combination with figure 5C: this cited port refer to that the image size is changed to reduce the excessive blank space which is a background).

Regarding claim 8, Koba teaches an image combining and outputting apparatus (see col. 1 lines 5-14. Note that the image editing apparatus for combining images and virtual sheet and outputting a resultant sheet image shown in figure 5F. The “virtual sheet” and “image” refer to first image and second image respectively), comprising:

an image combining means for combining a first image and a second image (see col. 1 lines 5-14. Note that the image editing apparatus for combining images and virtual sheet and outputting a resultant sheet image shown in figure 5F. The “virtual sheet” and “image” refer to first image and second image respectively);

an attribute information obtaining means for obtaining attribute information that is appended to the first image (see col. 4 lines 34-44. Note the “background image to be included in the template” comprising of the “the photographic data information” corresponds to the so called “attribute information”);

a size information obtaining unit for obtaining size information is appended to the second image [see step S104 (determine layout size of each image) of figure 2 and col. 3 line 66 to col. 4 line 2. Note the “image” mentioned in this cited portion of the reference refers to the so called “adjustable image” because such “image” can be inherently magnified or reduced in order to be laid within a page according to col. 3 lines 55-60 in together with col. 4 line 66 to col. 4 line 2];

a size adjusting unit for adjusting the size of the second image based on the attribute information and the size information when the image combining means performs image combining [(see col. 6 lines 59 to col. 7 line 3 in combination with figure 5C: this cited port refer to that the image size is changed to reduce the excessive blank space which is a background), also see step S104 (determine layout size of each image) of figure 2 and col. 3 line 66 to col. 4

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line 2. In addition the so called “attribute information and the size information” recited in this step is met by the information (i.e., size, resolution) obtained by step S102 according to col. 3 lines 46-54]; and

With regard to claim 11, Koba further teaches these claimed features as shown in figures 5F for example. With regard to the features “wherein the attribute information includes position information showing a position for arranging the second image during image combining”, it is inherently disclosed in “page 1” of figure 5F where the second image (i.e., images 1-3) positioned on the upper portion of the “page 1” (i.e., image 1) while the “image 1” and “image 2” positioned at the lower portion of the “page 1”. With regard to the features of “the image combining means arranging the second image at the position shown by the second size information when combining the first image and second image” (i.e., the “page 1” of figure 5F corresponds to such arranging. The image 2/3 shown “page 1” of figure 5F refers to the so called “second size information”).

Regarding claim 12, Koba further teaches:

a mode setting means for setting a user mode where the size of the second image is changed according to a user operation (see “questionnaire to user” shown at S103 in figure 2 and mentioned in col. 3 lines 55-61, and S203 in figure 4 and mentioned in col. 6 lines 7-21); and

a changing means for stopping, when the user mode has been set, the size adjusting means from adjusting the size of the second image and for changing the size of the second image in accordance with the user operation (see step S107 (yes/no) of figure 2 and step S208 (yes/no) of figure 4).

Regarding claim 13, Koba further teaches:

an outline extraction means for extracting an outline in the second image (i.e., the “edge extraction” mentioned in col. 5 line 3 and 50-51); and

a display device for display outline extracted from the second image together with the first image (see “display device” shown at 8 in figure 3. Also see figure 5F for outline extracted image displayed).

Regarding claim 14, Koba teaches an image combining method for combining a first and second images (see col. 1 lines 5-14. Note that the image editing apparatus for combining images and virtual sheet and outputting a resultant sheet image shown in figure 5F. The “virtual sheet” and “image” refer to first image and second image respectively), comprising:

an attribute information obtaining step of obtaining attribute information that is appended to the first image (see col. 4 lines 34-44. Note the “background image to be included in the template” comprising of the “the photographic data information” corresponds to the so called “attribute information”);

a size information obtaining step for obtaining size information is appended to the second image [see step S104 (determine layout size of each image) of figure 2 and col. 3 line 66 to col. 4 line 2. Note the “image” mentioned in this cited portion of the reference refers to the so called “adjustable image” because such “image” can be inherently magnified or reduced in order to be laid within a page according to col. 3 lines 55-60 in together with col. 4 line 66 to col. 4 line 2];

a size adjusting step for adjusting the size of the second image based on the attribute information and the size information [see col. 6 lines 59 to col. 7 line 3 in combination with figure 5C: this cited port refer to that the image size is changed to reduce the excessive blank space which is a background; also see step S104 (determine layout size of each image) of figure

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2 and col. 3 line 66 to col. 4 line 2. In addition the so called “attribute information and the size information” recited in this step is met by the information (i.e., size, resolution) obtained by step S102 according to col. 3 lines 46-54]; and

an image combining step for combining the first image with the second image (see col. 1 lines 5-14. Note that the image editing apparatus for combining images and virtual sheet and outputting a resultant sheet image shown in figure 5F. The “virtual sheet” and “image” refer to first image and second image respectively), whose size has been automatically adjusted in the size adjusting step [see step S104 (determine layout size of each image) of figure 2 and col. 3 line 66 to col. 4 line 2 in together with the “automatic layout means” shown at 31 in figure 3 and mentioned in col. 5 lines 35-42).

Allowable Subject Matter

4. Claims 2-6, 9-10, and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 2, 9, and 15, the cited prior art (Koba) fails to teach or suggest the features of “ wherein the attribute information shows a post-adjustment size to be used for the adjustable images and the size adjusting unit makes the sizes of the at least one adjustable image approximately equal to the post-adjustment size shown by the attribute information”.

Claims 3-5 are also allowable for the same reasons as being dependent upon the allowable claim 2.

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Regarding claim 6, the cited prior art (Koba) fails to teach or suggest the features recited on lines 3-16.

Claim 10 is also allowable for the same reasons as being dependent upon the allowable claim 9.

Response to Arguments

5. Applicant's arguments filed 10/1/03 have been fully considered but they are not persuasive.

The objection to drawings is withdrawn in view of applicant's remarks.

In reply to applicant's remarks with regard to specification, it appears that applicant has relied on both the "operation input unit 105" and the "control unit 100" which correspond to the so called "amendment indication input receiving unit". However, the operation input unit 105 and control unit 100 are two different elements as shown in figure 2 and nowhere in the specification states whether or not control unit 100 and operation input unit 105 are the same. The examiner believes that the operation input unit 105 corresponds to the so called "amendment indication input receiving unit". If it is, applicant is advised to amend the specification accordingly in order to overcome the objection to the specification.

In reply to applicant's remarks with regard to claims 1, 7-8, and 11-14 that Koba does not teach or suggest adjusting a size of at least one adjustable image based on the attribute information. First, the examiner would like to incorporate the discussion with regard to claim 1 above that Koba's background image is equivalent to Applicant's attribute information. Second, Koba does teach that the image size is changed to reduce the excessive blank space which is a

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background according to column 6 lines 59 to column 7 line 3 in together with figure 5C.

Therefore, in Koba, the image size is changed based on the background or attribute information.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duy M Dang whose telephone number is 703-305-1464. The examiner can normally be reached on Monday to Thursday from 6:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo H Boudreau can be reached on 703-305-4706. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications.

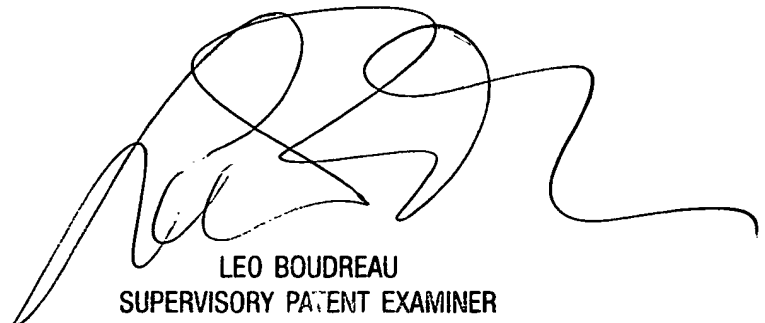
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

dmd

dmd

11/18/03



LEO BOUDREAU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600